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**JUN 05 2007**

**OFFICE OF PETITIONS**

CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
540 WHITE PLAINS RD  
P O BOX 2005  
TARRYTOWN NY 10591-9005

In re Application of :  
Gruner, et al. :  
Application No. 10/517,234 : ON PETITION  
Filed: March 20, 2007 :  
Attorney Docket No. 4-22696/A/PCT :

This is a decision on the petition to revive under  
37 CFR 1.137(b), filed March 20, 2007.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to  
timely file a response to the non-final Office action mailed  
September 19, 2006, which set a period for reply of three (3)  
months. No extensions of time under 37 CFR 1.136(a) were  
purchased. Accordingly, no reply having received, the  
application became abandoned on December 20, 2006. The mailing  
of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner paid the required petition  
fee, made the proper statement of unintentional delay, and  
submitted the required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1020 extension of time fee submitted with the petition on March 20, 2007 was subsequent to the maximum period obtainable for reply (March 19, 2007), this fee will be refunded to petitioner under separate cover.

The matter is being forwarded to Group Art Unit 1751 for consideration of the Amendment filed March 20, 2007.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions